

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Seon Clarke
aka CLARKE, Christopher,
CLARKE, Leon and
DOYLE, Christopher

Case: 2:23-mj-30228

Assigned To : Unassigned

Assign. Date : 6/2/2023

Case No.

Description: RE: SEON CLARKE
(EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

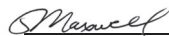
On or about the date(s) of May 26, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8 U.S.C. Sec. 1326(a)

Unlawful Re-entry After Removal

This criminal complaint is based on these facts:

On or about May 26, 2023, in the Eastern District of Michigan, Southern Division, Seon CLARKE, a citizen and national of Jamaica was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about May 26, 2022 and not having received the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.*Complainant's signature* Joshua Maxwell, CBP Enforcement Officer*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: June 2, 2023City and state: Detroit, Michigan*Judge's signature*

David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT

The affiant being duly deposed and sworn states:

1. I, Joshua R. Maxwell, am an Enforcement Officer with the Department of Homeland Security, Customs and Border Protection, and have been employed with the same for over twenty-three years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the reentry of illegal aliens and I have received training in this area. This affidavit is submitted in support of a finding of probable cause and is a summary of information known to law enforcement personnel, other civilian witnesses, and my personal knowledge.

2. On May 26, 2023, at approximately 5:00 am, at the Detroit Ambassador Bridge, Detroit, Michigan, Customs and Border Protection Officers (CBPO), encountered a citizen and national of Jamaica, Seon CLARKE, who got lost in traffic after following his GPS navigation, and who had been previously ordered removed and deported from the United States.

3. On March 27, 1997, CLARKE was convicted in the New York County Supreme Court, New York of Criminal Possession of a Controlled Substance-3rd degree: Narcotic Drug Intent to Sell. CLARKE was sentenced to 5 years' probation and 6 months' license suspension.

4. On August 17, 2000, CLARKE was convicted in the Kings County Supreme Court, New York, of Criminal Possession of a Controlled

Substance-7th Degree. CLARKE was sentenced to 6 months' license suspension and a conditional discharge.

5. On September 20, 2004, CLARKE was convicted in the Bronx County Criminal Court, New York of Criminal Possession of a Weapon-4th degree: Firearm/Weapon. CLARKE was sentenced to 7 months' confinement.

6. On November 5, 2004, CLARKE was encountered by Immigration and Customs Enforcement (ICE) while incarcerated at Rikers Island, New York. CLARKE was served with a Notice to Appear (NTA) before an Immigration Judge (IJ) for a controlled substance violation, in violation of Section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (INA). CLARKE was ordered removed from the United States to Jamaica by the Immigration Judge. CLARKE was physically removed from the United States to Jamaica on January 20, 2005.

7. On March 13, 2022, CLARKE was apprehended by Customs and Border Protection (CBP) at San Ysidro, California Port of Entry (POE), for attempting to elude inspection by running north through the primary lanes. CLARKE was served with an Expedited Removal Order with Credible Fear Referral (ER-CF) for being an Immigrant without an Immigrant Visa in violation of Section 212(a)(7)(A)(i)(I) of the INA. CLARKE was found to have no credible fear by an Asylum Officer. The decision was affirmed by an Immigration Judge. CLARKE was physically removed from the United States to Jamaica on May 26, 2022.

8. On Friday, May 26, 2023, at Detroit, Michigan, CLARKE was apprehended by Immigration Authorities and subsequently detained.

9. The aforementioned apprehension and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

10. CLARKE's fingerprints and photograph were captured and entered into the IDENT and IAFIS systems. The results revealed that CLARKE, is a citizen of Jamaica who has been previously removed from the United States. The record checks reveal that no record exists of CLARKE obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about May 26, 2022.

11. Therefore, based upon the aforementioned facts, I have probable cause to believe that on or about May 26, 2023, in the Eastern District of Michigan, Seon CLARKE, a non-citizen, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about May 26, 2022, and not having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, in violation of Title 8 United States

Code, Section 1326(a).



Joshua R. Maxwell, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and signed in my
presence and/or by reliable electronic means.



David R. Grand
United States Magistrate Judge

Date: June 2, 2023